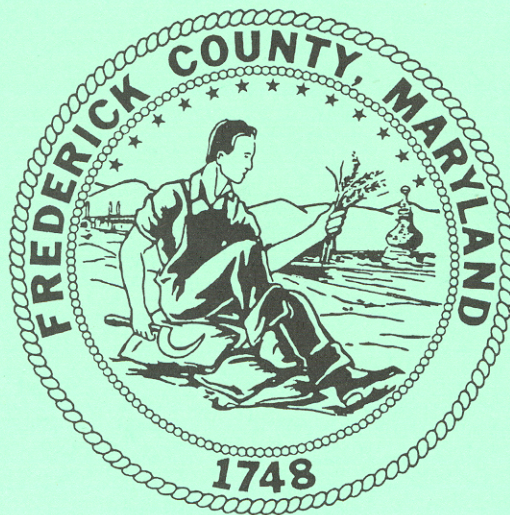


FREDERICK COUNTY INDUSTRIAL WASTEWATER PRETREATMENT ORDINANCE



**Ordinance 92-12-047
Adopted: July 7, 1992**

THE EFFECTIVE DATE OF THIS ORDINANCE IS JULY 7, 1992

ORDINANCE NO. 92-12-047

Re: TO REPEAL AND REENACT WITH AMENDMENTS
THE FREDERICK COUNTY INDUSTRIAL
WASTE WATER PRETREATMENT ORDINANCE

RECITALS

Pursuant to the authority contained in, inter alia, the Public Local Law of Frederick County, Sec. 2-13-30, the Annotated Code of Maryland, Art. 25, §3D, and the authority delegated from the Federal Government Environmental Protection Agency through the Maryland Department of the Environment, to the County, the Board of County Commissioners of Frederick County, Maryland has determined that it is necessary and appropriate to revise the previously enacted Industrial Waste Ordinance (Ordinance No. 85-42-374), and to enact as its replacement the document set forth as Exhibit A hereto.

A Public Hearing was held on the proposed Industrial Waste Ordinance on Tuesday, June 2, 1992 at which time public comments were received.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Frederick County Industrial Waste Water Ordinance as set forth on the attached Exhibit A hereto be enacted as the new regulations for the purposes therein specified.

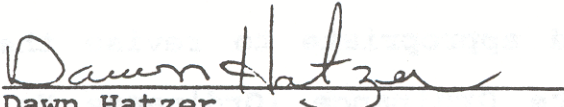
AND BE IT FURTHER ENACTED AND ORDAINED, that this Ordinance shall take effect on July 7, 1992.

AND BE IT FURTHER ENACTED AND ORDAINED, that Ordinance No. 85-42-374 is repealed in its entirety, effective July 7, 1992.

AND BE IT FURTHER ENACTED AND ORDAINED, that Exhibit A hereto shall not be incorporated into the Frederick County Code 1979, but shall be reproduced as a separate publication and made available to interested persons through the Department of Public Works.

The undersigned hereby certifies that the foregoing Ordinance was approved and adopted on the 7th day of July, 1992.

ATTEST:


Dawn Hatzer
Administrative Officer

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY

By 
Gail T. Bowerman
Vice President

FREDERICK COUNTY INDUSTRIAL WASTE ORDINANCE
TABLE OF CONTENTS

ARTICLE - I - OBJECTIVES AND PURPOSE -----	Page 1
ARTICLE - II -	
ABBREVIATIONS -----	Page 2
DEFINITIONS -----	Pages 3-9
ARTICLE - III - PROHIBITIVE SUBSTANCES	
GENERAL PROHIBITIVE STANDARDS -----	Page 9
SPECIFIC PROHIBITIVE STANDARDS -----	Pages 9-11
ARTICLE - IV - PRETREATMENT REQUIREMENTS	
GENERAL PRETREATMENT REQUIREMENTS -----	Page 12
SPECIFIC PRETREATMENT REQUIREMENTS -----	Pages 12-25
ARTICLE - V -	
INDUSTRIAL WASTE SURVEYS -----	Pages 25-26
APPLICATIONS FOR INDUSTRIAL WASTE DISCHARGE PERMIT -----	Pages 26-27
ARTICLE - VI - PERMITS -----	Pages 27-29
ARTICLE - VII - SEPTIC AND SLUDGE DISPOSAL -----	Pages 29-31
ARTICLE - VIII - FEES AND CHARGES -----	Pages 32-33
ARTICLE - IX - ENFORCEMENT ACTION -----	Pages 34-40
ARTICLE - X - EFFLUENT LIMITATIONS -----	Pages 42-43

ARTICLE - I - OBJECTIVES AND PURPOSE

1.0 It is the objective and purpose of the Frederick County Board of County Commissioners, through the enactment of this Ordinance, to generally establish the responsibilities of all Users, which have cause to discharge non domestic wastewater to the Publicly Owned Treatment Works (POTWs) of Frederick County. This Ordinance will allow Frederick County to implement the National Pretreatment Standards and administer Frederick County's Pretreatment Program, as approved by Maryland Department of the Environment. This Ordinance shall enable the County of Frederick Maryland to comply with all applicable Federal and State laws, which relate to the General Pretreatment Regulations (40 CFR part 403). Specifically the general objectives of this Ordinance are to establish uniform requirements for all wastewater contributors, direct and indirect, public and private, and thereby prevent the introduction of pollutants into the wastewater collection systems of Frederick County which will:

1.1 interfere with the operation of any wastewater treatment system of Frederick County;

1.2 contaminate the sludge produced by any wastewater treatment system of Frederick County;

1.3 pass through any wastewater treatment system, inadequately treated, into the receiving waters of this State; or

1.4 otherwise be incompatible with any wastewater treatment facility of Frederick County.

1.5 This Ordinance also seeks to: improve the opportunity to recycle and reclaim the wastewater and sludges from the wastewater treatment systems of Frederick County, and

1.6 This Ordinance also seeks to: provide for the fair and equitable distribution of all costs associated with the administration, operation and maintenance of, and improvements to, the wastewater treatment and collection systems of Frederick County.

2.0 This Ordinance shall not preclude the Bureau from entering into any specific agreement with a User in which special terms are set out under which the User may discharge to the POTW. In no case however, shall the National Pretreatment Standards be waived.

3.0 The Bureau reserves the right to establish, by revision of this Ordinance or revisions within the Wastewater Discharge Permits, more stringent standards or requirements on the discharge to the POTWs of Frederick County if deemed necessary to comply with the objectives presented in Sections 1.0 through 1.5 above.

4.0 Where an owner of a Property leases any or all of a property to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an Industrial User as defined by this Ordinance both shall be held responsible for compliance with all provisions in this Ordinance.

5.0 The National Categorical Pretreatment Standards found in 40 CFR chapter I subchapter N Parts 405 - 471 are hereby incorporated in this document.

6.0 The State Pretreatment requirements located in COMAR, Title 26 are hereby incorporated in this document.

ARTICLE - II DEFINITIONS AND ABBREVIATIONS

1.0 The following abbreviations and acronyms, whenever and wherever used within this document, shall have the following designated meanings, except when the context clearly requires otherwise.

BOD	Biochemical Oxygen Demand (BOD ₅)
C	Centigrade (the unit of metric temperature measure)
CFR	Code of Federal Regulations
COMAR	Code of Maryland Regulations
EPA	Environmental Protection Agency
GPD	Gallons per Day
F	Fahrenheit (the unit of US temperature measure)
IWS	Industrial Waste Survey
kg	Kilogram (metric weight measure)
l	Liter (metric volume measure)
MDE	Maryland Department of the Environment
mg	Milligram (metric weight measure)
MSDS	Material Safety Data Sheet
LEL	Lower Explosive Limit
mg/l	Milligrams per liter (ppm)
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
PCR	Periodic Compliance Report
pH	The hydrogen ion concentration of a solution often used to indicate acidity or alkalinity
ppm	Parts per Million (mg/l)
POTW	Publicly Owned Treatment Works (the Frederick County Bureau of Water and Sewer)
RCRA	Resource Conservation & Recovery Act
SWDA	Solid Waste Disposal Act
TSS	Total Suspended Solids
WWTP	Wastewater Treatment Plant
<	Less Than
>	Greater Than

2.0 The following terms and phrases, whenever and wherever used within this document, shall have the following designated meanings, except when the context clearly requires otherwise.

AUTHORIZED SIGNATORY REPRESENTATIVE OF THE INDUSTRIAL USER:

1. In the case of a corporation, a principal executive officer of at least the level of Vice President.
2. In the case of a partnership or proprietorship, a general partner or proprietor.
3. A duly authorized representative of the individual described in parts (1) and (2) of this section IF:
 - (a) This authorization is made, to the Bureau, by the individual described in parts (1) and (2) of this section, and ;
 - (b) This authorization specifies either an individual, or a position having the responsibility for the overall operation of the Facility from which the discharge originates, such as, but not limited to the position of, plant manager / superintendent, or a position of equivalent responsibility, having overall responsibility for environmental matters for the company, and;
 - (c) The above authorization is submitted to the Bureau, in writing.
 - (d) If the Industrial User is a Federal, State or local governmental Facility, an authorized representative shall mean a director or the highest official appointed or designated to oversee the operation and performance of the activities of the Governmental Facility, or his / her designee.
4. If the authorization delegated under part (3) of this section is no longer accurate, because of a change in the individual, the position no longer has the responsibility for overall operation of the facility, or overall responsibility for environmental matters for the company; a new authorization satisfying all requirements in part (3) of this section must be submitted to the Bureau prior to or together with any reports to be signed by an authorized representative

BOD: (Biochemical Oxygen Demand) The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter, during incubation at 20 degrees C for a period of 5 days. This test shall be made in accordance with 40 CFR part 136.

BUREAU: The Frederick County Bureau of Water and Sewer. The agency of Frederick County, which maintains and operates the POTWs of Frederick County and has the authority to administer and enforce, this Ordinance and the Pretreatment Program of Frederick County, which has been approved by the State (MDE).

BYPASS: The intentional diversion of any wastestreams from any portion of a User's treatment facility.

CLEAN WATER ACT: The Federal Water Pollution Control Act, also known as the "Clean Water Act, as amended, 33 U.S.C. 1251 et seq."

DOMESTIC WASTEWATER: The liquid waste originating from private residences and containing those pollutants and pollutant concentrations that are associated with normal household activities. (See also the definition for "nondomestic wastewater")

GREASE: The liquid and semi-liquid animal and vegetable waste products which typically are recovered from oil and grease handling and separation equipment, installed and maintained by restaurant and food preparation facilities for the segregation of grease and oil from other domestic sources of waste.

INDUSTRIAL USER: Any Person, Facility, or User who is engaged in a manufacturing or commercial enterprise. Also included shall be those members of any class of significant producers of pollutants identified under the rules and regulations adopted by the State or the EPA, or any other user as determined by the Bureau.

INDUSTRIAL USERS DISCHARGE PERMIT: A permit issued to a specific User for a wastewater discharge from a specific industrial or commercial process for a specific site. This permit shall include any Categorical Standards, or User specific limitations that may apply, including but not limited to any applicable local POTW limitations.

INDUSTRIAL WASTE SURVEY (IWS): Information, supplied to the Bureau, on the specific nature of a User's operational processes, including but not limited to a User's raw materials, products, and wastewater discharge amounts and characteristics. This information must be supplied prior to any hook up to the POTW. The Bureau shall specify the terms, measurements and the form this information shall be supplied in.

INTERFERENCE: Any discharge which, alone or in conjunction with a discharge or discharges from other sources, causes both:

1. An inhibition or disruption of any POTW, its treatment processes, or operations, or its sludge processes, use, or disposal; and
2. Therefore is a cause of a violation of any requirement of the POTW's NPDES discharge permit (including an increase in the magnitude or duration of a violation), or prevents the POTW from using or disposing of its sewage sludge according to the following statutory provision, regulations, or permits issued thereunder (including more stringent State or local regulations): Section 405 of The Clean Water Act, the SWDA (including Title II, more commonly referred to as RCRA, and State regulations contained in any State sludge management plan prepared according to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

LOWER EXPLOSIVE LIMIT (LEL): The lowest fuel to air ratio in which an explosion might occur.

NATIONAL PRETREATMENT STANDARD, STANDARD, PRETREATMENT STANDARD: Any regulation containing pollutant discharge limits, promulgated by the EPA in accordance with Section 307 (b) and (c) of the Clean Water Act (33 U.S.C 1347), which applies to a specific category of industrial user. This term includes prohibitive discharge standards and local limits.

NEW SOURCE:

1. Any building, structure, facility or installation from which there is, or may be a discharge of any pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act, which will be applicable to such source if the standards are thereafter promulgated in accordance with that section, provided that:

(a) the building, structure, facility, or installation is constructed at a site which no other source is located; or

(b) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) the production or wastewater generating process of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1.a or b) of this section but otherwise alters, replaces, or adds to the existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner operator has:

(a) begun or caused to begin as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment.

(b) entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

NONDOMESTIC WASTEWATER: The liquid sanitary and process waste originating from establishments engaged in some form of business, commercial or industrial activity. (See also "domestic wastewater" and "industrial user").

NOTICE OF VIOLATION (NOV): A written notice, addressed, to a specific User, citing specific violations of Federal, State, or local regulations, this Ordinance or, the Users Industrial Discharge Permit issued under this Ordinance. This notice may also include an invoice for fines and penalties assessed for each of the specific violations cited within the NOV.

NPDES DISCHARGE PERMIT: (NPDES PERMIT) A permit issued to the POTW pursuant to Section 402 of the Clean Water Act, or Title 9, Section 9-323 and 9-324 of the Environmental Article of the Annotated Code of Maryland

PASS THROUGH: A discharge, which exits the POTW into the receiving waters of the State, in quantities or concentrations, which alone, or in conjunction with a discharge or discharges from other sources, is the cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERIODIC COMPLIANCE REPORT (PCR): A report, filed by a User, with the Bureau, on a periodic basis as specified by the Bureau, but not less than twice a year, transmitting specific industrial process related and monitoring data as set forth in the User's Industrial Discharge Permit requirements for that specific Industrial Facility.

PERSON: Any individual, partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns of any wastewater contributor.

pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in mols per liter of solution. pH concentration indicates the intensity of acidity and alkalinity on a scale of 0-14. A pH of 7.0 represents neutrality with values above 7.0 being alkaline and below 7.0 being acid.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial and agriculture waste or any other contaminant.

PRETREATMENT REQUIREMENTS: Any substantive or procedural pretreatment requirement, other than a National Categorical Pretreatment Standard, imposed on an Industrial User by the EPA, State, or the local POTW.

PRETREATMENT OR TREATMENT: The reduction, elimination, or the alteration of pollutant properties to a less harmful state prior to, or in lieu of, the discharge or introduction into a POTW. This reduction or alteration can be accomplished by physical, chemical, biological process, a process change, or any other means except by diluting the concentration of the pollutants.

PRIVATE DOMESTIC TREATMENT FACILITIES: Wastewater Treatment Facilities, which are owned and operated by a private Person or a Corporation as an enterprise, and treats only domestic wastewater shall be defined as a "private domestic treatment facility".

PUBLICLY OWNED TREATMENT WORKS (POTW): Any collection of devices and systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage and industrial wastes as defined in the "Clean Water Act". These systems may include but are not limited to the sewers, pipes, equipment, the treatment plant, and the sludge handling equipment. This term also shall include the agency or person authorized to operate such facilities in accordance with the Maryland Department of the Environment. Within this Ordinance POTW shall specifically refer to the wastewater treatment facilities operated and maintained by the Frederick County Bureau of Water and Sewer.

RECEIVING WATERS OF THE STATE:

1. Both the surface and underground waters within the boundaries of this State subject to its jurisdiction, including, but not limited to, that part of the Atlantic Ocean within the boundaries of this State, the Chesapeake Bay and its tributaries and all ponds, lakes, rivers, streams, ditches, drainage systems within this State, other than those designed and used to collect, convey or dispose of sanitary sewage.

2. The floodplain of waters determined by the Department of Natural Resources on the basis of one hundred-year flood frequency.

SEPTAGE, (DOMESTIC): The liquid and semi-liquid wastes which originate from the septic tanks that are used to treat wastes of domestic origin.

SEPTAGE AND SLUDGE HAULERS (HAULERS): Any Person or Persons who engages in or contracts for the transportation and disposal of septage, sludge and waste products from sources other than the POTW waste collection systems.

SEPTAGE RECEIVING POINT: The point(s) designated by the POTW, which is capable of receiving septage, sludge, and other liquid waste from septage and sludge haulers.

SEVERE PROPERTY DAMAGE: Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

SIGNIFICANT INDUSTRIAL USER: (SIU) The Industrial User who:

1. is subject to the National Categorical Pretreatment Standards, or;
2. discharges an average of 25,000 GPD or more of process wastewater or, contributes a process wastestream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the receiving treatment facility, NOTE The Bureau reserves the right to require special evaluations of sanitary wastewater and / or boiler blowdown concentration to determine if a specific user is defined as a significant Industrial User. or;
3. has in their wastewater toxic pollutants as defined pursuant to Section 307 of the Clean Water Act, or;
4. is found by the Bureau, the State, or the EPA to have an impact either singly or in combination with other industries contributing to the POTW, on the quality of the sludge produced by the POTW, the POTW's effluent quality, or air emissions generated by the wastewater treatment system.

SIGNIFICANT NON-COMPLIANCE: (SNC) An Industrial User is in significant non-compliance if its violation(s) meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, ie; violations in which sixty-six percent (66%) or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
2. Technical Review Criteria (TRC) violations, ie; those violations in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH)
3. Any other violation of a pretreatment effluent limit (daily maximum or the average) that the Bureau determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personal or the general public);
4. Any other pollutant discharge that has caused imminent endangerment to the health and welfare of humans, an endangerment to the environment, or has resulted in the POTW's exercise of its emergency authority within this Ordinance to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining compliance;
6. Failure to provide, within 30 days after the due date, required reports such a baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to report non-compliance in an accurate or timely manner;
8. Any other violation or group of violations, which the Bureau determines will adversely affect the operation or implementation of the local pretreatment program.

SLUDGE: Semi-liquid wastes which originate from wastewater treatment plants that receive and treat primarily domestic sewage. The sludge is considered the waste products from the wastewater treatment plant.

SLUG LOAD: Any discharge of significant quantities of water, sewage, or industrial waste, which in concentrations of any given constituent or quantity of flow could cause an interference with or pass-through the POTW, endanger any worker's safety, contaminate the sludge, or cause a violation of any Permit issued to the County.

TOTAL SUSPENDED SOLIDS (TSS): The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and, which is removable by laboratory filtering. This test shall be made in accordance with 40 CFR part 136.

TOXIC POLLUTANT: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under Section 307 (a) of the Federal Water Pollution Control Act or other Federal Statutes or in other regulations promulgated by the Maryland Office of Environmental Programs under state law.

USER: Any Person or Facility, private or commercial; who contributes to, or who causes or permits the contribution of wastewater, domestic and / or non - domestic (industrial) into any of the Bureau's POTWs.

WASTEWATER: The liquid and water carried domestic, non- domestic and, industrial wastes from; dwellings, commercial buildings, industrial facilities and institutions; whether treated or untreated.

ARTICLE - III - PROHIBITIVE SUBSTANCES

1.0 GENERAL PROHIBITIVE STANDARDS

No user shall contribute or cause to be contributed, directly or indirectly, to the POTW any; pollutant, substance, or wastewater, which will cause interference with the operation, or pass-through the POTW facilities or the wastewater treatment process.

2.0 SPECIFIC PROHIBITIVE STANDARDS

The following substances are specifically prohibited. Any User found to be discharging any substance listed herein shall be in direct violation of this Ordinance and shall be subject to any and all enforcement action listed within Article IX of this Ordinance.

- 2.1 Wastewater having a pH of less than 5.0 is strictly prohibited. The Bureau will accept wastewater with a pH range of 5.0 - 12.0 pH units. Periodically and as necessary the Bureau may check the pH of all Users discharge for its ability to cause deposits and obstructions within the collection system.
- 2.2 Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin in the amounts that will cause an interference with, or pass - through.
- 2.3 Fats, wax, grease, or oil, whether emulsified or not, in excess of the receiving POTW's established local limit. These include discharges which may solidify or become viscous thereby causing an obstruction to the flow to, or within the treatment facility; or in any way would inhibit, or interfere with the receiving facility's grease handling equipment, or the treatment process itself.
- 2.4 Pollutants, which create a fire or explosion hazard within the POTW; including but not limited to, wastestreams with a closed cup flashpoint of less than 140 F (60 C) using the test methods specified in 40 CFR 261.21. Also prohibited shall be those pollutants which cause an exceedence of 10% of the LEL at any point within the POTW.
- 2.5 Wastewater at such temperatures that the biological activity within the receiving POTW will be inhibited to the point that interference with the treatment process results. In no case shall wastewater be discharged in such quantities and temperatures that the temperature at the POTW treatment facility will exceed 104 F (60 C) unless the Bureau has received a previously approved alternate temperature limit from MDE.
- 2.6 Any slug load, including but not limited to the release of any pollutant in concentrations, which would cause an interference with the POTW operational process, including but not limited to slugs of oxygen demanding pollutants.
- 2.7 Any discharges containing detergents, surface active agents, or other substances which may cause excessive foaming within the POTW.
- 2.8 Any solid or viscous substance capable of causing obstructions to or interferences with the proper operation of the treatment system, including but not limited to the following substances; garbage that has not been properly comminuted or shredded, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood and paunch manure.
- 2.9 Pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity, which may cause acute worker health and safety problems.

2.10 Noxious or malodorous gases or substances, which either singly or by interaction with other waste has the capability of creating a public nuisance, create a hazard to human and animal life, or prevent the entry, for any reason, of POTW personnel into the sewers for maintenance, repairs, and sampling.

2.11 Solids or liquids of such a character and quantity that special or unusual attention is required for their handling.

2.12 Pollutants, which may affect the POTW's final effluent such that it would cause a violation of the NPDES permit requirements, including, but not limited to the failure of a toxicity test.

2.13 Pollutants in amounts, which would cause the POTW's treatment plant to be in noncompliance with sludge use, recycling, or disposal criteria pursuant to the guidelines and regulations developed under section 405 of the Federal Act, the SWDA, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State, and as may be amended from time to time.

2.14 Wastewater containing color, which is not removed in the treatment process. This shall include color in such amounts that the regulation of the biological, chemical or the physical treatment process could be affected.

2.15 Medical or infectious wastes that, in the opinion of the Bureau, could impact the operation or efficiency of the POTW in any way.

2.16 Trucked or hauled pollutants with the exception of those substances which are received and disposed of at septage receiving points as designated by the by the Bureau. (See Article VII of this Ordinance - Septic and Sludge disposal)

2.17 Wastewater having effluent characteristics in excess of those limits listed within this document or in excess of the limits listed within Users current Permit.

2.18 Users applying for a discharge permit for a process, which produces waste of a radiological nature shall adhere to the State of Maryland waste disposal regulations on ionizing radiation.

ARTICLE - IV - PRETREATMENT REQUIREMENTS

All Industrial Users contributing wastewater discharge to any POTW owned, operated and maintained by Frederick County shall abide by any and all of the following applicable Pretreatment Requirements.

GENERAL PRETREATMENT REQUIREMENTS

1.0 All Users shall provide the necessary wastewater treatment as required to comply with this Ordinance, the National General Pretreatment Regulations (40 CFR part 403) and all applicable National Categorical Pretreatment Standards (in 40 CFR subchapter N parts 401 through 471), the local limits and all prohibitions within this Ordinance. The more stringent of any regulation shall apply and be enforced.

2.0 Any Facility pretreating wastewater, shall properly operate and maintain the treatment facility and processes at the expense of the industry. Any User intending or required to pretreat its effluent shall provide, prior to any implementation and / or construction, detailed plans for Bureau review and approval. These plans shall show all pretreatment facilities, processes and operational procedures. Plan Review and approval by the Bureau shall not relieve the User of the responsibility for complying with all provisions of this Ordinance, Federal or State regulations or Standards, or any condition within a discharge permit issued to the User. Any subsequent changes in the pretreatment facilities or process methods shall be reviewed and approved by the Bureau prior to the Users initiation of the proposed changes.

3.0 Users who contribute a wastewater flow which is conveyed by the Bureau's collection system, but is treated by a non-County operated WWTP shall be required to meet the more stringent limitations and prohibitions of either POTW.

SPECIFIC PRETREATMENT REQUIREMENTS

4.0 DILUTION PROHIBITION

Users or Facilities shall not increase the use of process water or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with any Federal, State or local discharge standard or limit.

5.0 BYPASS

5.1 Prohibition

Bypasses are prohibited and the POTW may take enforcement action against a User for a bypass, unless:

5.1.1 The bypass was unavoidable to prevent the loss of life, personal injury, or severe property damage;

5.1.2 There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

5.1.3 The User submitted notification as required under (5.2) of this section.

5.1.4 Bypasses for essential maintenance, not violating any Pretreatment standards or requirements, are allowed only if it is to assure the proper and efficient operation of the User's treatment facility.

5.1.5 After consideration of the adverse effects, and only if the above four (4) conditions are met, the Bureau may approve an anticipated bypass.

5.2 Notice of Bypass

5.2.1 Users knowing in advance, of the need for a bypass shall submit notice to the Bureau no less ten (10) days prior to the anticipated and planned bypass.

5.2.2 In the event any User experiences an unanticipated or emergency bypass immediate, oral notification of the Bureau shall be made. All oral notifications shall be made within twenty four (24) hours of the start of a bypass. All oral notifications shall be followed by a complete written notice and report no later than five (5) days after the start of the bypass. The written notification shall include the following: a complete description of the bypass; including the cause and duration of the bypass, the exact date and times of the bypass; if the bypass has not been corrected the anticipated time of correction shall also be included. All measures taken or planned to reduce, eliminate, and prevent a recurrence of the bypass also need to be listed and explained. The POTW may chose to waive this written report on a case-by-case basis. The failure of any User to notify the Bureau of any bypass occurrence shall be grounds for enforcement action.

6.0 SPILL CONTROL AND MANAGEMENT

Accidental Discharge Plans shall include but not be limited to the following: Slug Control Plans, Toxic Organic Management Plans, or Spill Management and Notification Plans.

6.1 All Users, permitted or otherwise, shall provide protection from the accidental or slug discharge of all prohibited substances and materials by the development and implementation of an accidental spill management / prevention and slug control plans. Such plans and procedures shall include, but are not limited to, the inspection and maintenance of all storage areas, the proper handling and transfer of materials, including loading and unloading operations, the control of plant site run-off, worker training, the building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and / or measures and equipment for emergency response. Any equipment and facilities necessary to implement the procedures shall be provided, implemented, and maintained at the Owner's or User's expense.

6.2 When it deems necessary the Bureau may require any User, including but not limited to those Users, which use, store, or create hazardous substances, to develop and implement plans which address the management of accidental spill / slug or discharges. At a minimum of once every two (2) years, the Bureau shall evaluate whether the current plan is sufficient and / or is still needed. Any User required to develop and implement an accidental spill plan shall submit a plan to the Bureau. The submitted plan shall address at the minimum the following:

6.2.1 A description of all disposal and discharge practices, including but not limited to both routine and nonroutine and disposal and discharges.

6.2.2 A description (including the submission of MSDS if requested) of all manufactured, stored, and used chemicals.

6.2.3 The Facility's procedures for immediately notifying the POTW in the event of any accidental spill or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges as listed in Article III of this Ordinance.

7.0 DISCHARGE AND FACILITY MODIFICATIONS

7.1 All Users shall notify the Bureau of any and all planned significant changes or modifications to the User's process operations including but not limited to remodeling and additions to facilities, which might alter the nature, quality or the volume of its wastewater. This notification must be in writing and done at least 30 days prior to the start of any scheduled change. Significant modifications to discharge shall include, but are not be limited to, a 10% or greater increase of the flow, or any pollutant concentration, discharged to the POTW, or the discharge of any pollutant which was previously unreported.

7.2 Upon notification of a planned modification the Bureau may require the User to submit any and all information it deems necessary to evaluate the changed condition, including the submission of a wastewater discharge survey / application, or baseline monitoring report.

7.3 In the event of a facility or discharge modification the Bureau reserves the right to modify the existing permit or issue a new permit if it deems necessary. A permit may also be issued to a User previously exempt from permit issuance in the event of facility or discharge modification.

7.4 No User shall implement planned changes until and unless the Bureau has approved the User's planned changes in writing.

8.0 SIGNATORY REQUIREMENTS FOR ALL INDUSTRIAL USERS

Every application, request for information response, or report of any kind submitted to the Bureau shall be dated and signed by the duly authorized representative and include the following certification statement:

"I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and, complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

9.0 RIGHT OF INSPECTION AND ENTRY

9.1 The County shall have the right to enter any facility, of any User to ascertain whether the purpose of this Ordinance, any permit, or order issued hereunder is being met, and whether the User is complying with the requirements thereof. All Users shall allow representatives of the Bureau, MDE or EPA, upon presentation of identification, complete and ready access to all parts of any facility for the purpose of inspection, sampling, records examination and / or copying, and the performance of any additional duties as necessary.

9.2 Where a User has security or safety measures in force, which would require identification, clearance, training or the wearing of special protective gear, the User shall make all necessary arrangements, at its own expense, to enable the authorized representatives of the Bureau, MDE, and / or the EPA to enter and inspect the premises as guaranteed by this subsection.

9.3 Any obstruction, either temporary or permanent, which would prevent the safe and easy access to any portion of the User's Facility to be inspected and / or sampled shall be promptly removed by the User at the written or verbal request of the Bureau, and shall not be replaced. All costs of clearing such obstructions shall be born by the User.

9.4 All Users shall provide and maintain at all times, in a safe and proper condition, at their own expense, facilities to allow any authorized representative of the POTW, EPA, or the MDE to inspect, sample, monitor, and, or measure flows from the discharges subject to this Ordinance. Ample room in or near such facilities shall also be provided and maintained to allow for accurate sampling and preparation of samples. If locating such facilities on a User's property would be impractical, the User may apply to the POTW for a right-of-way or for permission to construct on public property the appropriate facility.

9.5 The Bureau may require any User to install monitoring and sampling equipment at the expense of the User for the purpose of determining compliance with all applicable pretreatment regulations and requirements as they relate to the specific User.

9.6 Any unreasonable delays in allowing Bureau personnel access to the User's premises shall be considered a violation of this Ordinance and all necessary enforcement shall be taken.

10.0 CONFIDENTIAL INFORMATION

10.1 All information and data obtained from reports, wastewater surveys, discharge applications, discharge permits and monitoring programs, County inspection and sampling activities, which is submitted to the MDE, EPA or POTW shall be available to the public unless the User (submitter) specifically requests and is able to demonstrate to the satisfaction of the Bureau that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under all applicable State law. Any such claim of confidentiality shall be asserted at the time of submission. However, any portion of any report shall be immediately available for use by the County in any judicial review or enforcement proceedings involving the Person or User furnishing the report or information. When requested and demonstrated by the User furnishing the report that such information should be held confidential, the portions of that report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, however this information shall be immediately available upon request to all Governmental agencies for uses related to the NPDES program or the Pretreatment Program, and in enforcement proceedings involving the Persons or Facility furnishing the report. Wastewater constituents, characteristics and other effluent data as defined by 40 CFR 2.302 shall not be recognized as confidential and shall be made available to the public upon request without restriction.

10.2 All data generated by the Bureau from sampling analysis is not confidential and shall be available as records kept by a governmental entity pursuant to the Maryland law governing access to public records.

11.0 SAMPLING AND ANALYTICAL REQUIREMENTS

11.1 General

All data resulting from the sampling and analysis, including sampling techniques, which are to be submitted in support of applications, reports, or evidence required by any permit or order shall be preformed in accordance with 40 CFR part 136 unless otherwise specified in the applicable National Pretreatment Standard. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be preformed by using validated analytical methods approved by the EPA or its designated authority.

11.2 Sample Collection

11.2.1 Except as indicated below all Users shall collect wastewater samples for monitoring purposes using flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible the Bureau may authorize the use of time proportional sampling or through a minimum of four (4) grab samples, per 24 hours, where the User demonstrates that this will provide a representative sample of the effluent being discharged to the POTW. In addition, grab samples may be required for constituents that can not be collected using composite techniques.

11.2.2 Samples for Oil and Grease (FOG), temperature, pH, Cyanide (CN), Phenols, Sulfides, and Volatile Organic Chemicals (VOC), must be obtained using the grab collection techniques as per 40 CFR 136.

11.2.3 All wastewater samples shall be representative of the User's discharge. Wastewater monitoring and flow measurement instrumentation and equipment shall be properly operated, kept clean, and maintained in good working condition at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that the sample results are unrepresentative of its discharge.

11.3 A User subject to the sampling and reporting requirements of this Ordinance shall maintain all records containing information resulting from any monitoring activities in accordance with the record keeping section of this Ordinance. Such records shall include for all samples the following data:

11.3.1 The date (s), time (s), and exact place of sampling; the method of sampling and preservation, and the name (s) of the persons taking the samples.

11.3.2 The date (s) of analysis, who and by what methods the analysis were conducted, and the results of all such analysis.

11.4 If the required sampling performed by the a User indicates a violation, of any section within this Ordinance, or any term of a discharge permit issued to the User, the User shall verbally notify the Bureau within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis of the discharge and submit the results of this repeat analysis to the Bureau within 30 days after becoming aware of the violation.

Verbal notification shall minimally include the following;

11.4.1 the location of the discharge, and;

11.4.2 the type of waste, including the concentration and volume, and;

11.4.3 the time and any corrective actions taken by the User.

The User is not required to resample if;

11.4.4 the Bureau preforms sampling for the User at least once per month, or;

11.4.5 the Bureau preforms sampling for the User between the time when the User performed the initial sampling and the time when the User receives the results of the sampling.

11.5 The notification of discharge violations as listed above shall not relieve the User of any expense, loss, damage or other liability resulting from discharge, nor shall such notification relieve the User of any fines, civil penalties or other liability, which may be imposed under this Article or other applicable Federal, State or local law.

12.0 SPECIFIC NOTIFICATION REQUIREMENTS

12.1 Treatment System Failure or Interruption Notification

In the event of any malfunction, interruption, or the failure of, a treatment facility or process, such that process wastewater is not fully treated, and until the treatment facility or process is restored or an alternative method of treatment is provided, the User, shall control production and / or all discharges to the extent necessary to maintain compliance with all categorical Pretreatment Standards and all effluent limits within this Ordinance, or the Users permit. This requirement applies in the situation where, among other things the primary source of power of the treatment facility is reduced or fails. Should any engineering process and / or production control fail to maintain and control the Users discharge and violations occur the following notification procedures shall be followed. All notifications shall be done immediately and always within 24 hours of discovering the violation. A written notification shall then follow within five (5) days. Such notifications will not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall notification relieve the user of any fines, civil penalties or other liability, which may be imposed under this or any other local, State, or Federal law.

12.2 Slug Loading and Potential Problem Notification

12.2.1 In the case of a discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which has the potential to cause problems for the POTW (including a violation of the prohibited discharge standards as listed within this Ordinance), it is the responsibility of the User to immediately provide oral notification to the Bureau. This notification shall include the location of the discharge, the type of waste, the concentration and volume if known, and the corrective action taken by the User.

12.2.2 Within five (5) days following such discharge as above, the User shall submit to the Bureau a detailed written report describing the cause(s) of the discharge and all measures taken and planned by the User to prevent similar future occurrences. All such notifications shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage person or property; nor shall such notification relieve the User of any fines, civil penalties, or any other liability which may be imposed by this Ordinance.

12.2.3 Failure to promptly notify the Bureau of all potential problems shall be deemed a separate and deliberate violation of this Ordinance, and all appropriate enforcement action shall be taken.

12.2.4 Users shall post in a prominent and appropriate location the proper procedures for the notification of the Bureau should a discharge violation occur. Employers shall ensure that all employees, who may cause to discover such a discharge are advised of the proper notification procedures.

12.3 Upset Provisions and Modifications

12.3.1 An upset is an exceptional incident in which there is an unintentional and temporary noncompliance with any Pretreatment Standard because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities or equipment, the lack of preventive maintenance, or careless or improper operation.

12.3.2 An upset shall constitute an affirmative defense to an action for noncompliance with categorical pretreatment standards only if all requirements of that defense, as listed below, are met.

12.3.3 An Industrial User wishing to establish the defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An upset occurred and the User can identify the cause (s) of the upset,
- (b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with all applicable operational and maintenance procedures, and
- (c) The User has submitted the following information to the POTW and the treatment plant operator within 24 hours of becoming aware of the upset (NOTE: if this information is provided orally, a written submission must be provided within five (5) days)
 - (i) A description of the indirect discharge and the cause of noncompliance
 - (ii) The period of noncompliance, including the exact dates and times or, if not corrected the anticipated time that the noncompliance is expected to continue.
 - (iii) All steps being taken and / or planned to reduce, eliminate and prevent the recurrence of the noncompliance.

12.3.4 In any enforcement proceeding the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.

12.3.5 Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

12.3.6 The User shall control production or all discharges to the extent necessary to maintain compliance with all Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

12.4 Hazardous Substance Notification

12.4.1 All Users shall notify the POTW, the EPA Regional Waste Management Division Director and the State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the User discharges more than 100 kg of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the effective date of this Ordinance. Users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted in accordance with this Ordinance.

12.4.2 Discharges are exempt from the requirements of paragraph (12.4.1) above during a calendar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms (15 kg) of non-acute hazardous wastes in a calendar month, of any quantity of acute hazardous waste as specified in 40 CFR 261.30 (d) and 261.33, requires a one time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

12.4.3 In the case of any new regulations under section 3001 of RECRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and the State Hazardous Waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

12.4.4 In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

13.0 AUTHORITY TO REQUIRE THE SUBMISSION OF REPORTS AND DATA

13.1 RECORDS AND RECORD KEEPING

13.1.1 All Users shall retain, preserve, and make available, immediately upon request of an authorized representative of the Bureau, the MDE or the EPA any and all records, books documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to the monitoring activities, sample collection, and chemical analysis made by or in behalf of the User in connection with its discharge and required by this Ordinance or a Discharge Permit issued to the User.

13.1.2 All records as listed above shall be retained for a period of not less than three (3) years.

13.1.3 The three (3) year retention period shall automatically be extended during any period of investigation or litigation and shall continue in effect until all appeals have been exhausted. All records, which pertain to matters, which are subject of administrative action or any other enforcement of litigation activities brought by the Bureau shall be retained and preserved by the person until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired, or appeal rights have been exhausted.

13.1.4 If any User subject to the reporting requirements in this subsection monitors any pollutant at a rate more frequently than required by the POTW, using the procedures as prescribed in this Ordinance. The results of this sampling and monitoring shall also be retained and preserved for three year period.

13.2 PERIODIC COMPLIANCE REPORTS

13.2.1 All Significant Industrial Users shall submit to the Bureau at a frequency determined by the Bureau, but unless otherwise determined at least twice per year in June and December, a report indicating the nature and concentration of pollutants in the wastewater discharge which are limited by any applicable pretreatment standard. The measured or estimated average and maximum flows for the reporting period shall also be reported as well as, any other information required by the Bureau to determine User compliance. All periodic Compliance reports shall be signed and certified in accordance with the regulations Article IV Section 8.0 'Signatory Requirements for all Industrial Users'.

13.2.2 Categorical Industrial Users using equivalent or concentration limits in lieu of production based limits shall report long term production rates.

13.2.3 Any Non-Significant Industrial User shall provide the Bureau with any and all reports and data, as deemed necessary by the Bureau upon request.

13.2.4 All sampling, monitoring, and reporting for required periodic compliance reports shall be done as specified in the sampling and analytical reporting sections of this Ordinance.

13.2.5 If an Industrial User monitors any pollutant more frequently than is required by the Bureau, using the procedures in accordance with 40 CFR Part 136, the results of this monitoring shall be included in the periodic compliance reports (PCR)

13.2.6 All monitoring data collected by all Users shall be submitted to the POTW. Analysis, sampling, and monitoring methods shall be listed. Should analysis, sampling and monitoring not be done in accordance with 40 CFR part 136 specific reasons and explanations shall be given and references noted.

13.3 BASELINE MONITORING REPORTS

13.3.1 The information listed in 13.3.2 below shall be defined as a baseline monitoring report. Within either 180 days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision of a category determination under 40 CFR 403.6 (a) (4), whichever is later, existing significant Industrial Users subject to such National Pretreatment Standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit the baseline monitoring report as defined above. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall also be required to submit to the Bureau the baseline monitoring report as defined above. A new source shall also be required to report the method of pretreatment it intends to use to meet the applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity or pollutants discharged.

13.3.2 The following information and data shall be submitted to the Bureau to satisfy the Baseline monitoring report requirement:

- (a) Identifying Information - This is to include the business name and the address of the facility (location not just PO Box) and the name and of the operator and owners.
- (b) Wastewater Discharge Permit - A list of any environmental control wastewater discharge permits held by or for the Facility.
- (c) A Description of Operations - A brief description of the nature, average rate of production, and standard classifications of the operations(s) carried out by the user. This description should include a schematic process diagram which indicates the points of discharge to the POTW from the regulated processes.
- (d) Flow Measurement - Information showing the measured average daily and maximum daily flow in GPD to the POTW from all regulated process waste streams and all other wastestreams; as necessary, to allow use of the combined wastestream formula as set out in 40 CFR 403.6(e).
- (f) Measurement of Pollutants in the Wastestream -
 - (i) Identify any National Pretreatment Standards applicable to each regulated process.
 - (ii) Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations shall be included also. All samples shall be representative of the daily operations. All analysis and sampling shall be conducted in accordance with all procedures as set forth within this Ordinance.
- (g) Certification - A statement reviewed by the Industrial User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and / or additional pretreatment is required to meet the pretreatment standards and requirements.
- (h) Compliance Schedule - If additional Pretreatment and / or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and / or O&M. The completion date in this schedule shall not be later than compliance date established for the applicable pretreatment standard. The compliance schedule pursuant to this section shall meet the requirements as set out within this Ordinance, or any other agreement entered into with the Bureau.
- (i) Signature - All baseline monitoring reports shall be signed and certified to in accordance with the certification and signatory requirements within this Ordinance.

Much of the above requested information may be submitted on or with the Industrial Waste Survey form at the time of Permit Application submission to the Bureau.

13.4 NINETY (90) DAY COMPLIANCE REPORTS

Within ninety days (90) following the date for final compliance with all applicable National Pretreatment Standards, or in the case of a "new source" following the commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and requirements shall submit to the Bureau a report containing the information described in subsection 13.3.2 above. For the User subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the Users actual production during appropriate sampling period. All compliance reports must be signed and certified in accordance with this Ordinance.

13.5 COMPLIANCE SCHEDULE REPORTS

Those Users Subject to Compliance Schedules shall file a progress report with the Bureau no later than ten (10) days following each milestone date. Progress reports shall contain, at a minimum the following information; statement of progress, including whether the current milestone has been met, the reason for any delay if appropriate, and the steps taken to return to the schedule. In no case shall more than nine (9) months elapse between such progress reports.

ARTICLE - V - INDUSTRIAL WASTE SURVEYS / APPLICATIONS FOR INDUSTRIAL WASTE DISCHARGE PERMITS

1.0 REQUIRED WASTE SURVEYS

1.1 Upon request by the Bureau, Users shall submit information on the nature of their operational processes and characteristics of their wastewater discharge. This information shall be submitted on a form supplied by the Bureau. This information must be supplied to the Bureau within thirty (30) days of the request. The Bureau may also request users to periodically update the survey information by submitting an updated Industrial Waste Survey. The Industrial Waste Survey initiates application for an Industrial Waste Discharge Permit and therefore must be completed and submitted for review to the Bureau for all Industrial sewer connections to the POTW. Failure to complete this request is considered a violation of this Ordinance and the appropriate enforcement action shall be taken for all violations.

1.2 Any User currently not required to apply for and obtain a permit for its existing process and discharge must file an updated industrial waste survey prior to any change to its discharge in such a manner that the resulting discharge would require a permit. This includes "new sources" (including facility process changes) as defined in Article II of this Ordinance.

2.0 REQUIRED APPLICATIONS

2.1 The following Users shall file, with the Bureau, an industrial waste survey and subsequently will be issued an Industrial Waste Permit by the Bureau as deemed necessary by the regulations within this Ordinance:

2.1.1 Any User subject to the National Pretreatment Standards.

2.1.2 Any Significant Industrial User as defined in Article II of this Ordinance.

2.1.3 Any User whose discharge would be in violation of Article III or Article X if the user had no permit.

2.1.4 Any User required by State regulations to obtain a Permit

2.1.5 Any other User who is directed by the Bureau to do so. This includes but is not limited to those Users who contract for the hauling transportation and disposal of septage and sludge and wish to use the septage receiving facilities of Frederick County. (see Article VII of this Ordinance)

2.2 It shall be unlawful for Users identified in 2.1 above to discharge wastewater to any collection system of POTW of Frederick County without first filing an application to do so with the Bureau. All existing Users Required by the subsection above to obtain a permit shall have 90 days from the effective date of this Ordinance to file an industrial waste survey / permit application.

2.3 All "New Sources" as defined in Article II and required by 2.1 of this Article must apply for, and receive an Industrial Users Discharge Permit prior to discharging any pollutants into the POTW.

3.0 PERMIT APPLICATION

3.1 All Users required to apply for an Industrial Discharge Permit shall complete and file with the County an application in the form prescribed by the Bureau. In support of this application, the User shall submit in units and terms appropriate for evaluation, all information deemed necessary by the Bureau to fully evaluate the facility requesting the permit.

3.2 All applications must contain true and accurate information and the certification statement contained within this Ordinance and must be signed by an authorized representative as defined in Article II of this Ordinance and required by Article IV 8.0 of this Ordinance. Applications not signed and certified shall be considered incomplete.

3.3 The Bureau shall evaluate all data and information submitted in support of any industrial wastewater discharge permit application and may require additional information and data. Incomplete or inaccurate surveys, and or applications shall not be processed and shall be returned to the User for revision and or correction. Within thirty (30) days of the receipt of complete applications / surveys the Bureau shall make a determination as to the permit status and necessity.

ARTICLE - VI - PERMITS

1.0 REQUIRED PERMITS

1.1 It shall be unlawful for any User subject to National Pretreatment Standards, or any other User as directed by the Bureau to discharge wastewater into the POTW except in accordance with the terms and conditions of an Industrial Discharge Permit issued to that specific Facility.

2.0 PERMIT CONTENTS

2.1 All permits shall minimally contain, but are not limited to the following:

2.1.1 An effective date and a date of expiration. - Permits shall be issued for a specified period of time, not to exceed five (5) years. Periodically the Bureau shall require all Users, regulated and unregulated, to submit updated information regarding operational processes and the characteristics of their wastewater discharge. The Bureau will request this information through the use of Industrial Waste Surveys (IWS). The IWS shall be used to assess the need for continued or modified permitting. All Users, within thirty (30) days of receipt of the IWS, must submit the completed survey to the Bureau. The Bureau will then review the current permit status and make appropriate permit decisions based on this most recent data. Users failing to complete or ignoring the request for survey information and or data shall be subject to enforcement action including but not limited to fines and, or the revocation of service.

2.1.2 Statement of Non-transferability - A discharge permit which has been issued to a specific User for a treatment facility is not transferable. All permits shall be issued to a specific User for a specific operation and are not assignable to another User or transferable to any other location without prior written approval of the Bureau. In the event of any change in ownership or control of the Facility, the permittee shall give at least (30) thirty days advance written notice to the Bureau, including written certification by the proposed new owner stating there is no present intent to change the Facilities operations or processes. The new Owner shall acknowledge full responsibility for compliance with the existing permit and identify the specific date on which the transfer is to occur.

2.1.3 Limits on the nature, quality and volume of the Users wastewater discharge at specific points as specified within the User's permit. These limits shall be based on any applicable pretreatment standards, including any local or categorical parameters.

2.1.4 Self-monitoring, sampling, reporting, notification and record - keeping requirements, including an identification of the pollutants to be monitored, specific sampling locations, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits and, or State and local law.

2.1.5 Statements of applicable civil and criminal penalties for violations to pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable federal deadlines.

2.2 In addition to the conditions set forth in subsections 2.1.1 - 2.1.5 above, the Bureau may include such conditions as deemed appropriate to insure compliance with this Ordinance and all State and Federal Regulations.

3.0 PERMIT MODIFICATIONS

3.1 When necessary, the permits of any and all Users affected by new or revised Pretreatment Standards shall be revised to require compliance within 60 days (or such shorter time as specified within the standard or requirement) after the effective date of the revision.

3.2 A User's permit may be modified by the Bureau if:

3.2.1 the User's discharge exceed, for longer than thirty (30) days, 10%, the average daily limit of any permitted constituent, or

3.2.2 the discharge of any previously unreported constituent is detected by the Bureau during monitoring.

3.3 Any permitted User may apply for a permit modification whenever a user has cause to believe that some of the permit requirements no longer apply to their facility.

4.0 PERMIT APPEALS

Any Industrial User desiring to appeal any term, condition or requirement within their permit may file an appeal petition with the Director of Department of Public Works within thirty (30) days of the date of issuance of the permit. This petition must be in writing, and must indicate the permit provisions objected to, the reasons for this objection, and the alternate condition, if any, the User seeks to have placed in the permit. The effectiveness of the permit shall not be stayed pending the appeal. If, after considering the petition of appeal and any arguments put forth by the Bureau, the Director of Department of Public Works determines that the reconsideration is proper, it shall remand the permit back to the Bureau for reissuance. Those provisions being reconsidered by the Bureau shall be stayed pending reissuance.

ARTICLE - VII - SEPTIC AND SLUDGE DISPOSAL

1.0 GENERAL

1.1 All septage haulers and those private domestic treatment facilities desiring to dispose of wastes at receiving sites within Frederick County shall be subject to all of the applicable Articles and Sections within this Ordinance. Under no condition shall an unpermitted hauler or facility be allowed to dispose of septage wastes at any of the Bureau's septage receiving points.

1.2 Only septage and sludge originating from facilities within Frederick County shall be accepted at Frederick County septage receiving points.

1.2.1 Those haulers and treatment facilities desiring to dispose of septage and sludges at any Frederick County septage receiving point shall be required to certify in writing the source of the septage or sludge being disposed of, and that it is solely from sources from within Frederick County.

Violation of this subsection shall result in appropriate enforcement action as specified in Article IX of this Ordinance.

1.2.1 Should it be found that a specific septage hauler's load is the cause of a POTW interference, including but not limited to, POTW plant upsets, pass through, and NPDES permit violations, that hauler shall be held solely responsible for all damages and cost incurred, and appropriate enforcement action shall be taken.

1.2.2 Should it be found that a specific treatment facility is the cause of a POTW interference, including but not limited to, POTW plant upsets, passthrough, and NPDES permit violations, that facility shall be held solely responsible for all damages and cost incurred, and appropriate enforcement action shall be taken.

1.3 Those Haulers and facilities desiring to dispose of "domestic" septage, sludge or grease shall apply to the Bureau for a permit to do so.

1.3.1 At the request of the Bureau a chemical analysis of the septage and sludge waste may be required prior to disposal.

1.3.2 Domestic septage, sludge, and grease disposal shall be segregated for disposal. At no time shall septage, sludge, and grease be commingled with each other domestic waste.

1.4 The Bureau shall have the authority to prohibit the disposal of any waste which, in the opinion of the Bureau would interfere with the treatment plant processes.

1.5 All current haulers and private domestic treatment facilities shall file, with the Bureau an updated permit application within ninety (90) days from the effective date of this Ordinance. All permits issued to haulers and treatment facilities shall be reviewed on an annual basis.

1.6 The Bureau shall levy surcharges and / or fines, to any hauler or facility, found to be the cause of an interference or POTW plant upset. These charges shall be at a rate directly related to the costs incurred during any interference or upset.

1.7 Should the Bureau find enforcement action necessary, violations of this Article and its subsections shall be subject to all appropriate enforcement action as listed within this Ordinance.

2.0 PERMITS

2.1 It is unlawful for any hauler or private domestic treatment facility to discharge and, or dispose of septage wastes at any Frederick County septage receiving point without a permit.

2.2 All permitted haulers and private domestic treatment facilities shall maintain a contemporaneous manifest log, listing; driver, times, dates, and amounts of waste disposed of. This manifest log shall be submitted Quarterly on the 15 th day of April, July, October, and January, unless specified otherwise in writing. These quarterly reports shall be submitted as follows:

To the Industrial Pretreatment Office at Operations Division of the Frederick County Bureau of Water and Sewer, at 7303 Marcie's Choice Lane, Frederick Maryland 21701

2.3 All permits issued for the disposal of septage and, or sludge shall contain (but are not limited to) the following information:

2.3.1 An effective and expiration date,

2.3.2 Statements of non - transferability,

2.3.3 Requirements to file, upon request of the Bureau, periodic reports. These reports shall be for specific information and data concerning the activities during the past reporting period. The format shall be prescribed by the Bureau. (See also 2.2 in this subsection)

2.4 Permits for septage disposal may also contain other requirements such as (but not limited to) the following:

2.4.1 Limitations (ie: the number, type and size of the disposed loads)

2.4.2 Requirements to submit other reports, data and information to the Bureau as it relates to septage waste disposal at Frederick County septage receiving points.

2.4.3 Requirements to periodically sample and analyze the characteristics of the septage waste being disposed of and submit such analysis reports to the Bureau.

ARTICLE - VIII- FEES AND CHARGES

1.0 Standard Fees and Charges

1.1 Fees

1.1.1 All fees, fines for violations and, charges shall be related to the cost incurred by the Bureau in the administration of its pretreatment program and this Ordinance. The basis for all fees, fines, and surcharges shall be related to the specific activity or service involved. Should excessive cost (beyond those normally expected for like activities) be incurred by the Bureau for a specific activity an invoice for the excessive amounts shall be issued. The Bureau shall periodically adjust and review all related charges as they relate to the administration of the County's Pretreatment Program and the enforcement of this Ordinance.

1.1.2 Fees shall be charged for the following activities:

- (a) Permit Application Review;
- (b) Plan Review;
- (c) Filing of a permit appeal;
- (d) Monitoring, inspection and surveillance of Users, Haulers, and Treatment Facilities permitted by the Bureau under this Ordinance;
- (e) Response to spills, upsets, and related violations;
- (f) Routine operation and administration of the Bureau's Approved Pretreatment Program, including the review and filing of all required reports;
- (g) Other fees as deemed necessary by the Bureau to carry out the National Pretreatment Regulations, other Federal, MDE regulations and the regulations within this Ordinance.

2.0 SURCHARGES FOR EXCESSIVE STRENGTH WASTEWATER

Surcharges shall be levied upon Users found to be discharging excessive strength wastewater, within the surcharge range. The surcharges shall be calculated in accordance with the formula below.

2.1 Surcharge Basis

2.1.1 Any Industrial User discharging BOD and / or TSS within the surchargeable range shall not be considered to be in violation of their discharge permit, but shall be surcharged for extra strength wastewater based on the formula below.

2.1.2 Those Facilities discharging wastewater with BOD and / or TSS greater than the receiving plant limit shall be considered to be in violation of this Ordinance or the Users Discharge Permit. The appropriate enforcement action shall be taken as set forth within this Ordinance, including the recovery of costs related to treatment of the excessively high strength wastewater.

2.2 Surcharge Formula

[The Quarterly avg. (BOD/TSS) mg /l - local limit mg /l] = BOD or TSS amounts to be surcharged

BOD or TSS x [Total quarterly flow (MG)]

x [8.34 (lbs / gal)]

x [\$ per lb to treat BOD and / or TSS]

= the amount of the surcharge to be invoiced for the quarter.

3.0 VIOLATION AND ENFORCEMENT FINES AND PENALTIES

3.1 Fines and penalties may be levied for violations of this Ordinance or an Industrial Discharge Permit issued hereunder, these shall included but are not limited to the following;

3.1.1 Violations of any reporting requirements as set forth within this Ordinance including, but not limited to reports received after the close of business hours on the date which reports are due, shall be subject to the enforcement action as set forth within Article IX of this Ordinance.

3.1.2 Violations of the discharge requirements listed within this Ordinance or a User's Permit shall be subject to the enforcement action as set forth within Article IX of this Ordinance.

ARTICLE - IX ENFORCEMENT ACTION

1.0 GENERAL

1.1 The Bureau shall utilize all enforcement methods available to it to enforce the terms and conditions of this Ordinance, any industrial discharge permits issued by the Bureau, and any applicable State and Federal laws. The available enforcement methods include, but are not limited to: notices of violations, civil citations, criminal citations, compliance orders, termination of discharge and revocation of permits. Enforcement activities shall be pursued in accordance with the Pretreatment Enforcement Response Plan (ERP). The Bureau may, however, take such action as it deems necessary in light of the specific circumstances which may arise. In the absence of an approved (ERP) the Bureau shall take timely and appropriate enforcement action.

1.2 The Bureau or its duly authorized agents, as stated in Article IV section 9.0 The Right of Inspection and Entry, have the right to enter and inspect any User's production, discharge, or treatment facility at any time a discharge may occur in order to verify that the discharge complies with the provisions of this ordinance, the permit, State and Federal law. The Bureau or its agents have the power to take all lawful action to prevent or to abate violations of this Ordinance.

2.0 NOTICES OF VIOLATION

2.1 GENERAL

The Bureau shall issue a written Notice of Violation (NOV) and levy fines when appropriate based upon a reasonable belief that the User has violated any of the following:

2.1.1 Any section of this Ordinance

2.1.2 Any State or Federal requirement or regulation contained by incorporation, in this Ordinance.

2.1.3 Any Order or permit issued under this Ordinance

Within ten (10) days of the receipt of this notice the User shall submit, to the Bureau in writing, an explanation of the violation and a plan for the satisfactory correction and further prevention thereof, including specific actions, both taken or planned. The submission of this plan does not relieve the User of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of Frederick County to take any action including emergency actions or any other enforcement action, without first issuing a NOV.

2.2 SPECIFIC

2.2.1 All notices of violations shall contain the following:

- (a) The specific location of the Facility or monitoring point where the violation has taken place. The business name and address if different from the location of violation shall also be listed.
- (b) A date of issuance.
- (c) The date(s) of violation along with any analytical data in support of the allegation.
- (d) The regulation that has been violated, including the section or Article of the permit or Ordinance specific to the violation.
- (e) A description of the type of violation.
- (f) The requirement to provide a written response to the NOV within ten (10) days of receipt of the notice. Responses shall include the cause(s) and the corrective action taken for the violation.

2.3.1 Notices of Violation (NOV) may also contain the following:

- (a) Requirements for remedial action.
- (b) An invoice for a fine or penalty assessment.
- (c) A requirement to do additional or repeat analysis, sampling or monitoring.

3.0 CIVIL / CRIMINAL CITATION ENFORCEMENT

If a violation continues after a notice of violation has been issued, or if the circumstances justify, the Bureau may obtain a summons charging violations of this Ordinance.

3.1 Civil Infractions

3.1.1 Pursuant to the authority provided in section 2-2-29 of the Frederick County Code, a violation of any of the provisions within this Ordinance, is a civil offense, and shall be called a civil infraction. If, after investigation, a civil infraction is believed to exist, the Director of the Department of Public Works or his authorized agent shall deliver a citation or a warning to the property owner and other person or persons responsible for the infraction. If the Facility contact or the person responsible for the infraction cannot be located the Director or his agent may post the citation of warning in a conspicuous place on the property and shall mail a copy of the same by registered mail to the Facility contact person, this shall constitute notice sufficient for delivery under this section.

3.1.2 The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

- (a) The Name and address of the Facility and the designated contact person charged (or warned) with this citation;
- (b) The specific nature of the violation including the times, if known;
- (c) The location of the violation;
- (d) The dates (s) of the violations;
- (e) The amount of the fine assessed (or possible assessment);
- (f) The manner, location, and the time in which the fine may be paid, (or violation corrected, if applicable)
- (g) The person's, or Facility's right to stand trial for the violation (if applicable); and
- (h) A certification by the Director of Public Works, or his agent attesting to the truth of the matters set forth in the citation.

3.1.3 A fine of up to one thousand dollars (\$ 1000.00) shall be imposed for each violation. Each day that such a violation is permitted to exist or occur shall be considered a separate infraction. All fines shall be payable within twenty (20) days to the board of County Commissioners of Frederick County, Maryland, in the Department of Public Works, which shall remit same on a daily basis to the County Treasurer.

3.1.4 A Person or Facility who receives a citation may elect to stand trial for the offense by filing with the Director of Public Works a notice of intention to stand trial. The notice shall be given at least five (5) days before the date of payment as set forth in the citation. Upon receipt of the notice of intention to stand trial, the Director shall forward to the District Court of Maryland for Frederick County, a copy of the citation and the notice of intention to stand trial. Upon receipt of the citation, the District Court shall schedule the case for trial and notify the Defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for civil infractions shall be remitted to the Board of County Commissioners of Frederick County Maryland, through the County Treasurer.

3.1.5 If a Facility receives a citation for an infraction and fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, the Director of Public Works may request adjudication of the case by the District Court. The District Court shall schedule the case for trial and summon the Defendant to appear. In addition, the Director of Public Works may order suspension of any Discharge Permits issued under this Ordinance to the Facility and the termination of sewer service to the Facility.

3.1.6 Adjudication of an infraction under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

3.1.7 In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Article 23 A, Section 3(b)(8) through (15) of the Maryland Code. However, the County Attorney is hereby authorized to prosecute all civil infractions under this section.

3.1.8 If a User or Facility is found by the District Court to have committed a civil infraction, it shall be liable for the cost of the proceedings in the District Court; and the Court may permit the County to abate any such condition at the Facility's expense, the same as provided in Article 23 A, section 3(b)(6)(iii) of the Maryland Code.

3.1.9 Depending on the circumstance of each case and after consultation with the County Attorney, the Director of Public Works has the discretionary authority to reduce or suspend all or a portion of the fine payable through the Director's office.

3.1.10 Nothing in this section shall prohibit or prevent the Director of Public Works or anyone else, from seeking other legal remedies, such as injunctions or criminal prosecution.

3.2 CRIMINAL ACTION

3.2.1 Any User or Facility which violates any provision of this Ordinance or any permit or order issued hereunder, is upon conviction by a Court of competent jurisdiction guilty of a misdemeanor and is subject to a fine not exceeding one thousand dollars (\$ 1,000), or imprisonment not exceeding six (6) months or both for each violation with costs imposed in the discretion of the Court. Each day upon which the violation occurs shall constitute a separate offense.

3.2.2 Any User or Facility that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage is in violation of this Ordinance. Upon conviction in a Court of competent jurisdiction the User is guilty of a misdemeanor and is subject to a fine not exceeding one thousand dollars (\$ 1,000), or imprisonment not exceeding six (6) months or both for each violation with costs imposed in the discretion of the Court. Each day upon which the violation occurs shall constitute a separate offense.

3.2.3 Any User or Facility that knowingly makes false statements, representations, or certifications in any application, record, plan or other documentation filed, or required to be maintained, pursuant to this Ordinance or any permit or order issued hereunder or who falsifies tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance, is in violation of this Ordinance. The User, upon conviction in a Court of competent jurisdiction is guilty of a misdemeanor and subject to a fine not exceeding one thousand dollars (\$ 1,000), or imprisonment not exceeding six (6) months or both for each violation with costs imposed in the discretion of the Court. Each day upon which the violation occurs shall constitute a separate offense.

4.0 OTHER JUDICIAL REMEDIES

4.1 The County may seek an injunction against any User or Facility which violates or threatens to violate any provision of this Ordinance or any permit issued hereunder.

4.2 As an alternative to a criminal action as provided for under this section, the County may bring a civil action against any User or Facility for any violation of this Ordinance or any permit issued hereunder. The action may seek the imposition of a civil penalty of not more than five thousand dollars (\$ 5,000) against the User or Facility, an injunction to prohibit the Facility from continuing the violation or both, restitution or compensation for damage to the County property or treatment facilities, and attorney's fees and costs incurred in prosecuting the action. For purposes of civil action, each day during which a violation continues is considered a separate offense.

5.0 ADMINISTRATIVE ORDERS / COMPLIANCE ORDERS

Should the Bureau find that a User has violated or continues to violate this Ordinance, their Discharge Permit or Orders issued hereunder, or any other pretreatment standard or requirement, it may issue an order to the User or Facility responsible for the violating discharge an order directing that the User come into compliance. This order shall specify the shortest time in which the User is required to achieve compliance. Users or Facilities not coming into compliance within the time period shall have further enforcement action taken, including the discontinuance of service, unless adequate treatment facility devices or other related appurtenances are installed and properly operated. Administrative Orders / Compliance Orders may also contain other requirements to address the issue of non compliance which may minimize the amount of pollutants discharged into the POTW.

The milestone dates in Administrative Orders / Compliance Orders shall not extend the deadline for compliance established for a National Pretreatment standard or requirements, nor does a compliance order release the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the User. Users failing to meet any compliance milestone date within ninety (90) days shall be considered in Significant Noncompliance (SNC). In no case shall a compliance order waive the National Pretreatment Standards or requirements for compliance deadlines, nor does the compliance order release the User of liability for any violation, including any continuing violation.

6.0 SUSPENSION AND / OR TERMINATION OF SERVICES OR PERMITS

6.1 Termination of Water and / or Sewer Services

6.1.1 The POTW may suspend the water service and / or cut off the sewer Service connection of any User. Such action may be taken if deemed necessary in order to stop the actual or threatened wastewater discharge, which:

- (a) Presents or may present an imminent or substantial endangerment to the health or welfare of humans.
- (b) Presents or may present an imminent or substantial endangerment to the environment.
- (c) May cause or actually causes interferences to the POTW; or
- (d) Causes the POTW to violate any condition of its NPDES or State Discharge Permit.

6.1.2 The POTW may, upon proof of the elimination of the noncomplying discharge, reinstate the water and / or sewer service.

6.1.3 In the event of a suspension of service under this section, within ten (10) days the User shall submit a written report describing the event that caused the suspension and the measures being undertaken to prevent any recurrence.

6.2 Revocation of a User's Permit

The POTW may revoke the permit of any User, Septage Hauler or Treatment Facility if the POTW finds that:

6.2.1 The Permittee has falsified any information or records submitted or retained in accordance with this Ordinance.

6.2.2 The Permittee has violated any the of the conditions in the permit issued to the permit holder.

6.2.3 The Permittee has refused the right of entry or inspection as specified within this Ordinance.

6.2.4 The Permittee has failed to request a required permit modification.

6.2.5 The Permittee has discharged to the POTW any substance in violation of this Ordinance.

6.2.6 The Permittee has violated or continues to violate any other provision within this Ordinance.

7.0 ENFORCEMENT APPEAL

7.1 General

The Bureau of Water and Sewer shall provide Notice to any user of the decision to suspend water service, sewer connection and / or revoke the Industrial Discharge Permit as issued. The Notice shall contain a brief description of the basis for the decision, including the nature of the offense and any sanctions imposed. Every effort shall be made to provide notice prior to taking action on a decision to terminate service. Notice shall be by personal delivery, certified mail or other method reasonably calculated to notify the affected party. If the user or authorized representative cannot be located, the affected property or structure may be posted with the Notice, which will serve as adequate notice to the user. If, in the opinion of the Chief of the Bureau of Water and Sewer, serious injury to health, safety or general welfare may occur before notice can be given, the Bureau of Water and Sewer may notify the affected party promptly after the decision has been made and the action taken.

7.2 Appeals

7.2.1 Any decision rendered by the Bureau of Water and Sewer, with respect to the termination of discharge or other sanctions which result in the deprivation of any right or privilege which was created pursuant to this Ordinance may be appealed by the User aggrieved by that decision to the Director of the Department of Public Works.

(a) A request for an appeal, containing a brief description of the decision being appealed, a copy of the written notice if any, and the name, address and telephone number of the appellant, shall be filed with the Director of the Department of Public Works within fifteen (15) days of the date the decision was rendered. The filing of the notice with the Director of the Department of Public Works shall stay the execution of the decision appealed from, unless the Bureau of Water and Sewer certifies to the Director of the Department of Public Works that serious injury to health, safety or general welfare would result from such a stay and the Director orders that the decision not be stayed.

(b) The failure to submit a timely petition for review shall be deemed to be a waiver of an appeal.

7.2.2 Upon receipt of the request for appeal, the Director of the Department of Public Works shall immediately contact the Office of the County Attorney and shall schedule a hearing on the appeal as soon as practicable, with due consideration given to the nature of the decision appealed from.

(a) The Director of the Department of Public Works ("Director") or his designee shall notify the appellant of the date, time, place, and nature of the proceedings to be held.

(i) The Director shall conduct the hearing de novo at the specified time. A decision may be rendered by the Director after hearing the evidence. The Director shall not be bound by strict rules of evidence but may, in his discretion, accept such evidence as he deems probative, competent and material, and may exclude such evidence as he deems incompetent, irrelevant, immaterial or repetitious.

(ii) The appellant and the Bureau of Water and Sewer may present witnesses, and any party shall have the right to reasonable cross-examination.

(b) The Director may waive or modify any provision of this section in a particular case upon the request of the Bureau of Water and Sewer or any party where, in the sole opinion of the Director, the interest of justice would be served by the waiver or modification.

(c) The Director shall render his decision on the evidence presented to him, and his decision shall be final. The Director may affirm, reverse, or modify the decision appealed from, and may impose any sanction permitted by law whether more or less severe than that imposed by the Bureau of Water and Sewer. Court review of any Director decision shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B.

8.0 ANNUAL PUBLICATION OF SIGNIFICANT VIOLATORS AND VIOLATIONS

The POTW shall publish annually, in the largest daily newspaper published in the municipality in which the POTW is located, a list of Industrial Users, which at any time in the previous twelve (12) months were in Significant Noncompliance (SNC) with applicable pretreatment requirements. For the purpose of this provision, an Industrial User is in Significant Noncompliance (SNC) if its violation meets one or more of the criteria as listed in Article II of this Ordinance.

ARTICLE X EFFLUENT LIMITATIONS

1.0 Users shall be subject to the most stringent of the following:

1.1 National Pretreatment Standards;

1.2 State Pretreatment requirements; or

1.3 Local limitations which may be calculated by mass balance or any other valid scientific methods, necessary to protect the POTW from the materials described in Article III of this document, in order to comply with Article I of this Ordinance.

1.4 Users who contributes a wastewater flow which is conveyed by the Bureau's collection system, but is treated by a non County operated WWTP shall be required to meet the more stringent limitations and prohibitions of either POTW.

2.0 Local Limits Specific to Frederick County

2.1 The wastewater discharged to the POTWs of Frederick County shall not contain pollutants in excess of the concentrations set forth below or as specified within the Users Industrial Discharge Permit.

<u>POLLUTANT</u>	<u>Daily Maximum mg /l</u>
Arsenic	4.35
Cadmium	0.17
Chromium	0.32
Copper	1.27
Cyanide	0.37
Lead	0.69
Mercury	0.027
Nickel	3.98
Silver	0.31
Zinc	2.61
BOD	***
TSS	***
Oil & Grease (of animal / veg. origin)	250.00
pH	5.0 - 12 pH units

*** Plant Specific Limits (see following page)

2.3 Plant Specific Limits

The following POTWs of Frederick County have plant specific limits for BOD, TSS as listed below. Those Users having a wastewater discharge in a strength within the surchargeable range will be surcharged according to the surcharge formula.

<u>BALLENGER CREEK WWTP</u>		
Constituent	Surchargeable Range	Violation Limit
BOD	>300 but < 600 mg/l	600 mg/l
TSS	>300 but < 600 mg/l	600 mg/l

<u>NEW MARKET WWTP</u>		
Constituent	Surchargeable Range	Violation Limit
BOD	>250 but < 500 mg/l	500 mg/l
TSS	>250 but < 500 mg/l	500 mg/l

<u>JEFFERSON WWTP</u>		
Constituent	Surchargeable Range	Violation Limit
BOD	>250 but < 500 mg/l	500 mg/l
TSS	>250 but < 500 mg/l	500 mg/l

<u>POINT OF ROCKS WWTP</u>		
Constituent	Surchargeable Range	Violation Limit
BOD	>250 but < 500 mg/l	500 mg/l
TSS	>250 but < 500 mg/l	500 mg/l